

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

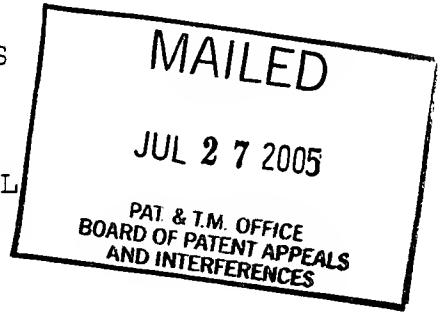
The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MATT HAYEK and DEVEN PATEL

Application No. 09/998,489



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On February 7, 2005, a response under 37 C.F.R. § 111 was filed. There is no indication in the record that the response under C.F.R. § 111 has been considered.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for consideration of the response under 37 C.F.R. § 111, a written notification to applicant of consideration and for such further action may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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